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9 LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ROBERT THOMSON,

Plaintiff,

v.

TORRANCE POLICE DEPARTMENT
and THE LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT,

Defendants.

CASE NO. CV 11-06154 SJO (JCx)

**DEFENDANT LOS ANGELES
COUNTY SHERIFF'S
DEPARTMENTS' ANSWER TO
PLAINTIFF'S SECOND AMENDED
COMPLAINT FOR DAMAGES**

Action Filed: July 26, 2011

Defendant LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
("LASD") for itself alone and separating itself from all other Defendants, answers
Plaintiff Robert Thomson's unverified Second Amended Complaint and admits,
denies and alleges as follows:

1. Defendant admits the allegations contained in paragraphs 16 and 25 of
the Second Amended Complaint.

2. Defendants admits that the Amendment and case law cited by Plaintiff
in paragraphs 17, 18, 19, 20, and 21, of the Second Amended Complaint read as
indicated.

3. Defendant LASD lacks sufficient information and belief to admit or
deny the allegations contained in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 22,

1 23, 24, 27, and 28, of the Second Amended Complaint and, based on that lack of
2 information and belief, denies those allegations.

3 4. Defendant LASD denies generally and specifically, each and every
4 allegation contained in paragraphs 15, 26, 29, 30, 31, and 32, of the Second
5 Amended Complaint.

6 5. Responding to paragraph 1 of the Second Amended Complaint,
7 Defendant LASD admits that Plaintiff applied for and was denied a license to carry
8 a concealed weapon by the LASD. Defendant LASD lacks sufficient information
9 and belief to admit or deny the remaining allegations of the paragraph and, based on
10 that lack of information and belief, denies the remainder of the paragraph.

11 6. Responding to paragraph 11 of the Second Amended Complaint,
12 Defendant LASD admits that it is a department within the County of Los Angeles, a
13 municipal entity.

FIRST AFFIRMATIVE DEFENSE

15 7. Plaintiff's Second Amended Complaint fails to state facts sufficient to
16 constitute a cause of action against this answering Defendant.

SECOND AFFIRMATIVE DEFENSE

18 8. Plaintiff has failed to take all necessary steps to mitigate his damages.

THIRD AFFIRMATIVE DEFENSE

20 9. Plaintiff has an adequate remedy at law.

FOURTH AFFIRMATIVE DEFENSE

22 10. Plaintiff's action is barred by the applicable statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

24 11. Plaintiff's action is barred by Plaintiff's failure to exhaust administrative
25 remedies, including but not limited to, internal administrative procedures and/or
26 statutory administrative procedures and, therefore, this Court lacks jurisdiction over
27 Plaintiff's claims.

SIXTH AFFIRMATIVE DEFENSE

12. Plaintiff lacks standing to maintain this action.

WHEREFORE, Defendant LASD prays that :

- 4 1. Plaintiff takes nothing by this action;

5 2. Plaintiff's action is dismissed with prejudice;

6 3. Plaintiff's requests for injunctive relief be denied and Plaintiff take

7 nothing by this action;

8 4. Defendant LASD be awarded their costs of suit incurred herein,

9 including reasonable attorneys' fees; and

10 5. Defendant LASD be awarded such other relief at this Court may deem

11 just and proper.

DATED: December 7, 2011

Respectfully submitted,
ANDREA SHERIDAN ORDIN
County Counsel

By

JENNIFER A.D. LEHMAN
Principal Deputy County Counsel

Attorneys for Defendant
LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT